

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
BUFFALO DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	1:21-CR-00020-LJV-MJR-1
)	
DAVID LETTIERI)	

**AMENDED MOTION TO CONTINUE SENTENCING HEARING
AND ASSOCIATED DEADLINES**

Mr. DAVID LETTIERI, pursuant to Fed. R. Crim. P. 32(b), respectfully moves this Court to continue the sentencing hearing and associated deadlines from February 9, 2024, for no less than ninety (90) days.

I. Procedural History

On October 30, 2020, a federal grand jury in this district filed a Complaint against Mr. Lettieri. (Complaint, ECF No. 1.)

On February 10, 2021, the United States Government Indicted Mr. Lettieri on one count of enticement of a minor. (Indict, ECF No. 11.)

On December 20, 2023, undersigned counsels, Murdoch Walker, II and Serguel Mawuko Akiti were retained by Mr. Lettieri and immediately filed their Notice of Appearance and Motions for Leave to Appear *Pro Hac Vice*, respectively. (Motions, ECF No. 177-178.)

On December 26, 2023, this Court issued an Order granting the aforementioned filings for appearances on behalf of Mr. Lettieri. (Order, ECF No. 179.)

II. Factual Assertions

Undersigned counsel, Mr. Akiti is presently required to be ready and in attendance for trial in the Eastern District of Oklahoma, in the case matter of *United States of America v. Lawrence Fourkiller* 6:23-CR-00106-JFH-1.

Undersigned counsel also needs more time to review and further pursue sentencing-related initiatives with the government in this matter, and thus requires additional time to prepare with Mr. Lettieri.

III. Memorandum of Law

A “court must impose sentence without unnecessary delay.” Fed. R. Crim. P. 32(b)(1). However, a “court may, for good cause, change any time limit prescribed in [Federal Rule of Criminal Procedure 32]. Fed. R. Crim. P. 32(b)(2).

IV. Opposing Party’s Position

The Government consents to only 30 days. The United States Probation Office consents to 90 days.

V. Conclusion

Mr. Lettieri, based on the foregoing factual assertions and argument, prays that this Court continue the sentencing hearing and associated

deadlines that are scheduled for February 9, 2024, for no less than ninety (90) days or such a date as agreed upon by the parties.

Date: January 5, 2024

Respectfully submitted,

s/ Serguel Mawuko Akiti, Esq.

Serguel Mawuko Akiti, Esq.

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s/ Murdoch Walker II, Esq.

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Attorneys for Defendant

David Lettieri

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2024, through undersigned counsel, I electronically filed the foregoing AMENDED MOTION TO CONTINUE SENTENCING HEARING AND ASSOCIATED DEADLINES with the Clerk of the United States District Court for the Western District of New York by way of the CM/ECF system, which automatically will serve this document on the attorneys of record for the parties in this case by electronic mail.

Date: January 5, 2024

Respectfully submitted,

s/ Serguel Mawuko Akiti, Esq.

Serguel Mawuko Akiti, Esq.

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ORDER

Came on the Amended Motion to Continue Sentencing hearing and associated deadlines which is to commence on January 5, 2024, said motion is hereby:

_____ **GRANTED.**

_____ **DENIED.**

SIGNED this the _____ day of JANUARY 2024.

UNITED STATES DISTRICT COURT JUDGE